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Attorneys for Plaintiff
TRENDTEX FABRICS, LTD.

UNITED STATES DISTRICT COURT

DISTRICT OF HAWAII

TRENDTEX FABRICS, LTD.,

Plaintiff,

v.

NTKN, INC., a Hawaii corporation; HUNG
KY, an individual; SHAKA TIME, INC., a
Hawaii corporation; TROPIHOLIC, INC., a
Florida corporation

Defendants.

Case No. 1:22-cv-00287-LEK-KJM

PLAINTIFF'S MOTION TO
STRIKE DEFENDANT
TROPIHOLIC, INC.'S ANSWER
FILED AUGUST 22, 2022

Judge: Hon. Kenneth J. Mansfield

Plaintiff Trendtex Fabrics, Ltd. ("Plaintiff" or "Trendtex"), by and through

its attorneys, The Duboff Law Group, PC (Pro Hace Vice) and Go Law Office LLC, hereby moves the Court for an Order striking Defendant Tropiholic, Inc.'s Answer [ECF 40], filed August 22, 2022.

This motion is brought pursuant to Rule 7 and Rule 12(f) of the Federal Rules of Civil Procedure and Local Rule 81.1(b) of the Rules of the District Court for the District of Hawaii and is based on the memorandum in support of motion, the records, and files herein, and should the Court require, arguments at a hearing of this motion.

DATED: Honolulu, Hawaii, September 8, 2022.

/s/ Leo Shimizu
LEONARD D. DUBOFF
EDWARD T. FU
LEO Y. SHIMIZU

Attorneys for Plaintiff TRENDTEX
FABRICS, LTD.

UNITED STATES DISTRICT COURT

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MEMORANDUM IN SUPPORT
OF MOTION

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Defendant Tropiholic, Inc. (“Tropiholic”) has failed to comply with Local Rules of Practice for the United States District Court for the District of Hawaii (“LR”) when filing its Answer in the current matter. Therefore, Plaintiff respectfully moves that the offending pleading be stricken.

LR 81.1 (b) provides as follows:

(b) Entities Other than Individuals. Entities other than individuals, including but not limited to corporations, partnerships, limited liability partnerships or corporations, trusts, community associations, and unions, must be represented by an attorney.

Here, Tropiholic’s Answer was filed on August 22, 2022 [ECF No. 40] by an individual, Ms. Roxanne Howard, in the form of a letter. Ms. Howard is the President of the company and is not an attorney. As Tropiholic is not represented

by an attorney during its filing, the filing is in clear violation of the Court's rules.

Plaintiff believes a hearing on this motion is not required as it is based on the LR as discussed above, but respectfully entrusts the matter to the Court's discretion.

Accordingly, based on the foregoing reasons and authorities, Plaintiff respectfully requests this motion be granted.

DATED: Honolulu, Hawaii, September 8, 2022.

/s/ Leo Shimizu
LEONARD D. DUBOFF
EDWARD T. FU
LEO Y. SHIMIZU

Attorneys for Plaintiff TRENDTEX
FABRICS, LTD.

UNITED STATES DISTRICT COURT

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Defendants.

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CERTIFICATE OF SERVICE

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I hereby certify that on the date indicated below, a true and correct copy of
the foregoing document was duly served to the following in the manner indicated
below:

Tropiholic Inc. 8321 SE Royal St. Hobe Sound, FL 33455	by U.S. Mail
Randall Yamamoto, Esq. Yamamoto Kim, LLP 700 Bishop Street, Suite 1700 Honolulu, Hawaii 96813 ryamamoto@yklp.net Attorney for Defendant Shaka Time, Inc., a Hawaii corporation	by CM/ECF
Lena Bacani, Esq. Loza & Loza LLP 305 North Second Avenue, #127 Upland, CA 91786	by U.S. Mail

lana.bacani@lozaip.com

Attorney for Defendants NTKN, INC., a Hawaii corporation and SHAKA TIME, INC., a Hawaii corporation

DATED: Honolulu, Hawaii, September 8, 2022.

/s/ Leo Shimizu

LEONARD D. DUBOFF

EDWARD T. FU

LEO Y. SHIMIZU

Attorneys for Plaintiff TRENDTEX
FABRICS, LTD.